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# FACT SHEET

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## HOW TO PREVENT ILLEGAL DUMPING IN YOUR COMMUNITY

As environmental protection requirements have become more strict, the costs to operate waste management facilities have also increased. This increase in costs has also led to more illegal dumping acts. Some unpermitted sites even operate as a commercial landfill. Any illegal dump cheats permitted disposal facilities, because illegal dumpers avoid payment of the necessary site improvements required by state law to operate a proper landfill. As a result, these “open dumps” have no safety precautions in place to protect people and the surrounding air, land, surface water and groundwater from the risks of pollution.

Illegal dumps are created when uncaring people want to avoid:

- C tip fees**, because it costs money for people to throw away wastes; and
- C the time and attention** needed to dispose of waste properly.

According to the U.S. Environmental Protection Agency, illegal dumpers may claim to operate a transfer station or recycling business, only to abandon the property once it is full of waste. Residents may dump wastes that do not get picked up by regular waste collectors. But in many cases, these illegal dumpers are also breaking other laws related to vehicle licensing, insurance, drug possession, or theft (EPA, 1998).

### What is an Open Dump?

Open dumps are places where rubbish from businesses, homes or apartments is discarded improperly. There are three kinds of illegal dumps:

- C roadside dumps**, are loads of rubbish discarded on open spaces or vacant lots next to lightly-traveled roads;
- C larger-scale landfill operations** where illegal dumpers accept wastes from truckers to make their own landfill without following the law; and
- C residents and businesses** who collect and pile up wastes without the Department of Health’s permission.

### Problems from Illegal Dumping

Open dumps get bigger in size when more wastes are piled on top of each other. Those who dump illegally make the mistake of thinking that they can place rubbish anywhere other than a rubbish bin, or dumpster.

**It pollutes the environment.** Regular rubbish may be mixed in with hazardous wastes. Some illegal dumpers have been known to even bury these wastes on the property. Whether buried or not, illegal dumps can pollute our drinking water supply, air, land and streams. Many illegal sites look like untidy junk yards that keep on growing.

- C solid wastes can cause fire.** Unlike soil and rock, rubbish can burn and pose nuisance and safety hazards for neighbors and local businesses;
- C solid wastes can impact the environment.** Rainwater passing through ground layers containing solid wastes may lead to contamination of groundwater, contaminate soil, create polluted water runoff, and create other nuisances that bother neighbors and local businesses;

- C solid wastes decompose (break down) over time.** Even if buried, wastes eventually break down and cause the top of the ground to “cave in.” Land that has the possibility of “caving in” may be unsafe for new houses, buildings, playgrounds, shopping centers or hospitals to be built on that property; and
- C solid waste forms explosive gases.** Garbage that breaks down forms methane gas, which can cause an explosion if enough of it gathers near flames. Methane can seep into some types of buildings. Over time, high amounts will make the building unsafe to use.

**It endangers human health and safety.** Illegally dumped waste piles have no health and safety precautions, therefore they can threaten the environment and create health problems for people. Uncontrollable fires, often intentionally set, can release toxic fumes into the air. Piles of rubbish and garbage can harbor rats and flies who themselves spread infectious disease. Empty, abandoned lots with illegal dumps often tempt children to use them as playgrounds. Some wastes (e.g., dirty engine oil, needles) are hidden from plain view and can seriously injure anyone, especially children, who loiter or play near an open dump. While the volume of waste illegally dumped is hard to measure, open dumps may include:

- C** mixed wastes from old buildings
- C** heavy and bulky wastes, including brick, rock, sand, gravel, timber, asphalt and concrete, and old, torn furniture
- C** old, abandoned vehicles and auto parts
- C** worn out motor vehicle tires
- C** used, rusty electrical and mechanical appliances such as refrigerators, washers or dryers
- C** leaves, shrubs, tree stumps, yard wastes and tree trimmings
- C** drums or used car batteries that ooze acidic or poisonous substances
- C** unbagged household rubbish, including trash bags

**It attracts more dumping, and criminal activity to the community.** Illegal dumps can reduce land values, limit sales and affects the quality of the neighborhood. It also creates a negative perception of the community, and makes the community unattractive to commercial and residential development. The Environmental Protection Agency believes that the development of areas vulnerable to illegal dumping will remove the problem. Therefore, the community should do its part to show concern for its natural environment and surroundings. The desire to keep the community clean also sets a positive example for children taught in school to care for the environment.

## **Hawaii Department of Health’s Response**

Chapter 342H, HRS subjects illegal dumpers to enforcement action, and penalties of up to \$10,000/day. Those who dump illegally, as well as property owners of such dumps, are also liable for cleaning up the property (and remove all wastes to proper landfills). If not all of the waste is removed from the property and cleaned, violators may be required to modify the land’s title documents, and pay for a professional to test and watch the groundwater for many years, a procedure that is very expensive.

In 1998, the Legislature expanded the Department of Health’s authority to enforce illegal dumping laws. The new law subjects any landowner, waste hauler, or contractor who knowingly participate in illegal dumping activity to severe, criminal penalties.

The Department of Health has a system to receive, follow up and enforce complaints on illegal dumping. When someone notifies the Department of an illegal dumping act, its staff obtains as much information possible on the event. Based on this information, the Department of Health evaluates the site and its impact to human health and the environment. The Department of Health may then schedule an inspection and conduct an investigation which may lead to enforcement actions.

## **What You Can Do**

To prevent illegal dumping requires government, landowners, construction industry and concerned people to continue to work with each other.

### **Tips for landowners:**

Landowners, especially those of large or vacant lots, should maintain and control unwanted entry into their property, to the best extent possible (e.g., signs, fencing, parking stops, barriers).

### **Tips for contractors who supervise projects:**

Evaluate proposals with low bids carefully. Look for a line-item estimate on “waste disposal costs” and compare that with the volume of waste that the bidder expects to remove. Make haulers responsible to deliver the wastes they generate at the project to permitted solid waste disposal or recycling facilities. Require them to submit receipts to prove that wastes were properly delivered. When in doubt, contact the Office of Solid Waste Management to obtain a current printout of permitted disposal or recycling facilities. Phone: 586-4240.

### **Everyone:**

Report any suspected illegal dumping activity to the Office of Solid Waste Management at (808) 586-4240. Please provide the Office of Solid Waste Management with specific information such as dates, times, names on trucks, license plate numbers, location of dumping activity, type of material being disposed, the estimated quantity, and especially any snapshots of illegal activities.

Reference: United States. Environmental Protection Agency. Region 5. Illegal Dumping Prevention Guidebook. Chicago: EPA, 1998.